



87 960071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEAnticipated Classification
of this Application:
Class _____ Subclass _____Prior Application:
Exam'r: Glan Wang, Ph.D.
Group Art Unit: 1812Attorney's
Docket No.:
Enz-5
(D5)(C)Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231
BOX FWC (if under §1.62)**COPY**

Sir:

This is a request for filing a X CONTINUATION DIVISIONAL
 CONTINUATION-IN-PART application under X 37 CFR §1.60
 37 CFR §1.62, of pending prior application Serial No. 07/531,953
filed on June 1, 1990 of Dean Engelhard et al.
Inventor(s)

for

SUGAR MOIETY LABELED DETECTABLE NUCLEOTIDES
(AS AMENDED)
Title of Invention

1. X Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2. A verified statement to establish small entity status under 37 CFR §1.9 and §1.27 is enclosed.
3. X The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY THE USPTO									
	Number Filed		Number Extra		RATE			FEE	
					Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	1	=	0	x	\$ 10	\$ 20	=	\$ 0	\$
Independent Claims	1	=	0	x	\$ 36	\$ 72	=	\$ 0	\$
Multiple Dependent Claims Presented: ___ Yes <u>X</u> No					\$ 110	\$ 220		\$ 0	\$
* If the difference in Col. 1 is less than zero, enter "0" in Col. 2						BASIC FEE		\$ 345	\$ 690
						TOTAL FEE		\$ -	\$ 690

4. X The Commissioner is hereby authorized to charge payment of the filing fee as well as the following fees associated with this application or to credit any overpayment to Deposit Account No. 05-1135.
A duplicate copy of this sheet is enclosed.
- X Any additional filing fees required under 37 CFR §1.16.
- X Any patent application processing fees under 37 CFR §1.17.

Attorney's Docket No. Enz-5 (D5)(C)

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	GB74301567XUS
Deposit Date	October 13, 1992
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231	
10-13-92	

Dean Engelhardt et al.
Serial No. Not Yet Known

Filed: Herewith

Page 2 (Request for a Continuation Application Under 37 C.F.R. §1.60
-October 13, 1992)

5. ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A duplicate copy of this sheet is enclosed.
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☐ The issue fee set in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- ☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.
6. ☐ A check in the amount of \$ _____ is enclosed.
7. ☒ Cancel claims 2-203.
8. ☒ Amend the specification by inserting before the first line the sentence: -- This is a ☒ continuation, ☐ divisional ☐ continuation-in-part, of application Serial No. 07/531,953, filed on June 1, 1990, which is a divisional of 07/140,980, filed on January 5, 1988, abandoned, which was a continuation of Serial No. 06/391,440, filed on June 23, 1982, abandoned. --
9. ☒ Transfer the drawings from the prior application.
10. ☐ Informal ☐ Formal ☐ drawings are enclosed.
11. ☐ Abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
12. ☐ Priority of application Serial No. _____ filed on _____ is claimed under 35 U.S.C. §119. ☐ The certified copy of the priority application has been filed in prior application Serial No. _____, filed _____.
13. ☒ The prior application is assigned of record to Enzo Diagnostics, Inc. [A copy of the originally submitted Assignment and the Notice of Recordation are enclosed herewith.]
14. ☒ A preliminary amendment is enclosed.

Dean Engelhardt et al.

Serial No. Not Yet Known

Filed: Herewith

Page 3 (Request for a Continuation Application Under 37 C.F.R. §1.60
-October 13, 1992)

15. X The substitute power of attorney in the prior application is to: Serle I. Mosoff, Reg. No. 25,900;
Elaine P. Brenner, Reg. No. 29,517; and
Charles J. Herron, Reg. No. 32,567.

- (a) The power appears in the original papers in the prior application.
- (b) X Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c) X A copy of a new substitute power of attorney is enclosed.
- (d) X Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Ronald C. Fedus, Esq.
Enzo Biochem, Inc.
60 Executive Boulevard
Farmingdale, New York 11735

16. X Also enclosed is a Request for a Two-Month Extension of Time in the prior application.

17. X I hereby verify that the attached papers are a true copy of prior application Serial No. 07/531,953 as originally filed on June 1, 1990.

18. X Applicants filed a response and a Notice of Appeal on June 16, 1992 to the final Office Action mailed on December 16, 1991 in connection with the parent application. On July 29, 1992, the Examiner issued an Advisory Action. With the Request For a Two Month Extension of Time described in Item 16 above, this Request for a Continuation Application Under 37 C.F.R. §1.60 is being filed during the pendency of the prior application.

Attorney's Docket No. Enz-5 (D5)(C)

Dean Engelhardt et al.
Serial No. Not Yet Known
Filed: Herewith
Page 4 (Request for a Continuation Application Under 37 C.F.R. §1.60
-October 13, 1992)

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

OCTOBER 13, 1992

Date



Signature [Ronald C. Fedus]

Registration No. 32,567

Attorney for Applicants

☐ Inventor(s)

☐ Assignee of Complete

☐ Interest

☒ Attorney or Agent of Record

☐ Filed under 37 CFR §1.34(a)

Address of Signator:

Enzo Diagnostics, Inc.

c/o Enzo Biochem, Inc.

60 Executive Boulevard

Farmingdale, New York 11735

Attorney's Docket No. Enz-5 (D5)(C)

#1 960071



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification
of this Application:
Class _____ Subclass _____

Prior Application:
Examiner _____
Group Art Unit 123

Attorney's
Docket
No. Enz-5 (Div.5)

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231
BOX FWC (if under §1.62)

Sir:

This is a request for filing a CONTINUATION X DIVISIONAL

 CONTINUATION-IN-PART application under X 37 CFR §1.60

 37 CFR §1.62, of pending prior application Serial No. 140,980 filed on
January 5, 1988 of Dean L. Engelhardt, et al. for
Inventor(s)

Modified Nucleotides, Methods of Preparing And Utilizing And
Compositions Containing The Same
Title of Invention

1. X Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2. A verified statement to establish small entity status under 37 CFR §1.9 and §1.27 is enclosed.
3. X The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

					RATE		FEE		
	Number Filed		Number Extra		Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	32 - 20	=	12	x	\$ 6	\$ 12	=	\$ 0	\$ 144
Independent Claims	2 - 3	=	0	x	\$ 18	\$ 36	=	\$ 0	\$ 0
Multiple Dependent Claims Presented:	<u> </u> Yes <u> X </u> No				\$ 60	\$ 120		\$ 0	\$ 0
* If the difference in Col. 1 is less than zero, enter "0" in Col. 2						BASIC FEE		\$ 185	\$ 370
						TOTAL FEE		\$ 0	\$ 514

Enz-5 (Div. 5)

4. ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Account No. 05-1135. A duplicate copy of this sheet is enclosed.
- ☒ Any additional filing fees required under 37 CFR §1.16.
- ☒ Any patent application processing fees under 37 CFR §1.17.
5. ☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 05-1135. A duplicate copy of this sheet is enclosed.
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☐ The issue fee set in 37 CFR §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR §1.311(b).
- ☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.
6. ☐ A check in the amount of \$_____ is enclosed.
7. ☒ Cancel claims 1-100 and 103-203.
8. ☐ Amend the specification by inserting before the first line the sentence: --This is a ☐ continuation, ☐ divisional ☐ continuation-in-part, of application Serial No. _____ filed _____--
9. ☐ Transfer the drawings from the prior application.
10. ☐ Informal ☐ Formal ☐ drawings are enclosed.
11. ☐ Abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
12. ☐ Priority of application Serial No. _____ filed on _____ is claimed under 35 U.S.C. §119.
- ☐ The certified copy of the priority application has been filed in prior application Serial No. _____ filed _____.
13. ☒ The prior application is assigned of record to Enzo Biochem, Inc. 325 Hudson Street, New York, NY 10013.
14. ☒ A preliminary amendment is enclosed.
15. ☒ The power of attorney in the prior application is to Charles J. Herron, Reg. No. 28,019

- (a) ☐ The power appears in the original papers in the prior application.
- (b) ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c) ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Serle I. Mosoff, Esq.

Enzo Biochem, Inc.

345 Hudson Street

New York, NY 10014

16. ☒ Also enclosed Power of Attorney and Preliminary Amendment

17. ☒ I hereby verify that the attached papers are a true copy of prior application Serial No. 140,980 as originally filed on January 5, 1988.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

31 May 1990
Date

Serle I. Mosoff
Signature

- ☐ Inventor(s)
☐ Assignee of Complete Interest
☒ Attorney or Agent of Record
☐ Filed under 37 CFR §1.34(a)

Address of Signator:

Enzo Biochem, Inc.

345 Hudson Street

New York, NY 10014

Enz-5 (Div. 5)

3

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	NB 260 244 81X
Deposit Date	May 31, 1990
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.	
Serle I. Mosoff Reg. No. 25,900	<u>31 May 1990</u> Date



**AFTER FINAL REJECTION
EXAMINING GROUP ART UNIT 1812**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Dean Engelhardt et al.
Serial No.: 07/531,953 Group Art Unit: 1812
Filing Date: June 1, 1990 Examiner:
Gian Wang, Ph.D

Title: SUGAR MOIETY - LABELED DETECTABLE NUCLEOTIDES

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

REQUEST FOR AN EXTENSION OF TIME

Sir:

Applicant(s) request(s) that the time for taking action¹ in this case be extended pursuant to 37 C.F.R. §1.136(a) for:

() one month (\$100.) () three months (\$810.)
(X) two months (\$350.) () four months (\$1280.)

to OCTOBER 16, 1992.

¹ Applicants filed a Notice of Appeal on June 18, 1990 for this application. With the two month extension of time, the new deadline for taking action is October 16, 1992. Instead of filing a Brief In Support of Appeal, Applicants are concurrently filing a Request for a Continuation Application Under Rule 1.60.

The fee set forth in 37 C.F.R. 1.17 for this extension of time (two months) is \$350.

() Fee enclosed.

(X) Charge fee to Deposit Account No. 05-1135.

(X) Charge any additional fee required for this extension of time to Deposit Account No. 05-1135.

Copies are being provided in triplicate.

Also enclosed is a:

(X) Response² () Notice of Appeal () Appeal Brief

(X) ² Continuation Application Under Rule 1.60. Substitute Power of Attorney.

Respectfully submitted,

Ronald C. Fedus
Registration No. 32,567
Attorney for Applicants

OCTOBER 13, 1992
Date

ENZO DIAGNOSTICS, INC.
c/o Enzo Biochem, Inc.
60 Executive Boulevard
Farmingdale, New York 11735
Tel. (212) 856-0876

Attorney's Docket No.: **Enz-5 (D5)**

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.	GB74301567XUS
Deposit Date	October 13, 1992
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231	
10-13-92	